

Filed for intro on 02/14/2001
HOUSE BILL 1388 By
Hagood

SENATE BILL 1665
By Fowler

AN ACT to amend Tennessee Code

Annotated, Sections 63-1-122 and 68-140-505

relative to the Division of Health Related Boards

and the Board for Emergency Medical Services

investigative subpoenas.

BE IT ENACTED BY THE GENERAL ASSEMBLY

OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-122

is amended by designating the existing language as paragraph (a) and by adding

the following language as appropriately lettered subsections:

() For the purpose of conducting any investigation as provided in this title, an officer or member of a health related board, or designee appointed by the board, have the power to administer oaths, to call any party to testify under oath at such investigations, to require the attendance of witnesses, the production of books, records, and papers, and to take the depositions of witnesses. For such purposes, an officer or member of a health related board, or designee appointed by the board, is authorized upon probable cause to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. These subpoenas may be served by registered mail, return receipt requested, to the addressee's last known business mailing address, or by such personnel of the department of health as the commissioner may designate, or may be directed for service to the sheriff of the county where such witness resides or is found or where such person in custody of any books, records or papers resides or is found.

() All materials and documents furnished to the division or health related boards pursuant this section shall be exempt from the public records act until the filing of a notice of charges. After the filing of a notice of charges, only the information and those materials and documents upon which the charges are based are available for disclosure under the public records act; provided, that the identifying information of the following, as well as all investigator created documents and reports, shall remain confidential at all times unless and until introduced in the proceedings:

1. A complainant;
2. Any witness who requests anonymity;
3. A patient; and

4. Medical records.

SECTION 2. Tennessee Code Annotated, Section 68-140-505

is amended by adding a new appropriately numbered subsection that reads:

() a. For the purpose of conducting any investigation as provided in this chapter, an officer or member of the board, or designee appointed by the board, has the power to administer oaths, to call any party to testify under oath at such investigations, to require the attendance of witnesses, the production of books, records, and papers, and to take the depositions of witnesses.

b. For such purposes, an officer or member of the board, or designee appointed by the board, is authorized to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. These subpoenas may be served by registered mail, return receipt requested, to the addressee's last known business mailing address, or by such personnel of the department of health as the commissioner may designate, or may be directed for service to the sheriff of the county where such witness resides or is found or where such person in custody of any books, records or papers resides or is found.

c. All materials and documents furnished to the division pursuant to this section shall be exempt from the public records act until the filing of a notice of charges. After the filing of a notice of charges, only the information and those materials and documents upon which the charges are based are available for disclosure under the public records act; provided, that the identifying information of the following, as well as all investigator

created documents and reports, shall remain confidential at all times unless and until introduced in the proceedings:

- i. A complainant;
- ii. Any witness who requests anonymity;
- iii. A patient; and
- iv. Medical records.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

